

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPH MUNDY,

Plaintiff,

v.

YELLOW TRANSPORTATION COMPANY,
INC., SHORT-TERM DISABILITY PLAN,
et al.

Defendants.

Case No. 08-cv-01576

Hon. Elaine E. Bucklo

**YELLOW TRANSPORTATION COMPANY'S
UNOPPOSED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**

Yellow Transportation Company, Inc., respectfully moves the Court for an extension of time, until May 8, 2008, to file an Answer or otherwise respond to Plaintiff's Complaint. Yellow states the following in support of its Motion:

1. Yellow was served with the Summons and Complaint on March 19, 2008.
2. The Complaint identifies the Defendants as the Yellow Transportation Company, Inc. Short-Term Disability Plan, the Yellow Transportation Company, Inc. Long-Term Disability Plan, and Cigna Corporation. Yellow Transportation Company, Inc. itself is not named as a Defendant. However, the Summons was directed to and served upon Yellow Transportation Company, Inc. rather than the named benefit plans.
3. If service upon Yellow were deemed proper service upon the named benefit plans, the plans' response to the Complaint would be due on April 8, 2008.
4. Yellow's counsel are in need of additional time to investigate the allegations of the Complaint, including the question of whether the named benefit plans are the proper parties to this lawsuit. Yellow reserves the right to raise any such issues in response to the Complaint.

5. On April 3, 2008, one of Yellow's attorneys, William Pokorny, spoke via telephone with one of Plaintiff's attorneys, Ronald Hutchison. Mr. Hutchison courteously agreed to a 30-day extension of time for Yellow to answer or otherwise respond to the Complaint.

6. Granting Yellow an extension of time, until May 8, 2008, will not result in any undue delay or prejudice to Plaintiff, particularly as Plaintiff has not yet completed service on Cigna Corporation.

WHEREFORE, for the foregoing reasons, Yellow Transportation Company, Inc. requests an extension of time, until May 8, 2008, to file an Answer or otherwise respond to Plaintiffs' Complaint.

Respectfully submitted,

YELLOW TRANSPORTATION COMPANY,
INC.

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Dated: April 4, 2008

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby states that a true and correct copy of the foregoing **YELLOW TRANSPORTATION COMPANY'S MOTION FOR EXTENSION TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**, has been filed with the Clerk of the Court using the CM/ECF system on this 4th day of April 2008, which will send notification to the following counsel of record:

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